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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,010	07/15/2003	Eric Thompson	TH04US	8604
27410	7590	03/24/2005	EXAMINER	
J. MICHAEL NEARY 542 SW 298TH STREET FEDERAL WAY, WA 98023			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER

3632

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,010

Applicant(s)

THOMPSON, ERIC

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12 and 14-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8, 12, and 14-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the third office action for U.S. Application 10/620,010 for a Toolless Locking Mount filed by Eric Thompson on July 15, 2003. Claims 9-11 and 13 have been canceled.

Claim Rejections - 35 USC § 103

Claims 1, 2, and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruiz in view of U.S. Patent 3,049,323 to Peterka. Ruiz discloses a mounting mechanism with a base that has a face (3, the front of 10, the sides of 10, and at 9) with surfaces that can engage two non-parallel outside surfaces of an object and extend all the way down to the bottom surface (3 of the surfaces extend all the way down). There is a top (5) pivotally mounted on the base to rotate over the base and lie on a plane orthogonal to the surfaces to engage the upper surface of the object. The top locks into an open position over the face where it swings clear of an angled recess and a closed position over the face where it swings over the recess, and the inwardly opened angled portion has inwardly facing surfaces.

The base could be of a lower profile than the object and the top is secured to the base against separation therefrom, whereby the top remains connected to the base in normal operation. There is also a clamping mechanism (9) to establish firm contact between the base and object whereby the pressure of the mechanism is adjusted by tightening a clamping device (tightening the spring results in greater pressure). Ruiz does not disclose four uprights, nor does it disclose faces with two intersecting vertical

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planes for engaging the outside corners of the object. Peterka discloses corner supports for an object with the supports having an angled recess (20a) on upright surfaces, facing a space for the object, defined by two intersecting vertical planes for engaging corners of the object to prevent lateral movement of the object.

Ruiz discloses that the glass held by the supports may be circular, but the particular shape is a matter of design preference and it would be obvious to one of ordinary skill in the art at the time of the present invention to have utilized a square or rectangular piece of glass. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized upright faces with intersecting vertical surfaces as the face for the base taught by Ruiz, as taught by Peterka et al., for the purpose of providing a more secure means for holding a piece of glass. It also would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized four mounts, rather than three, as a matter of design preference, dependent on the shape of the object to be supported.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruiz in view of Peterka, and in further view of Stiicheli. Ruiz in view of Peterka does not disclose a detent for releasably holding the top cap in an open or closed position. Stiicheli discloses a joint with a support portion (20) and a top portion that rotates with respect to the support portion. The top portion has detent means (26 and 27) for engaging recesses of the support portion to lock the top portion into place. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a detent means in the top portion taught by Ruiz in view of Peterka,

and an aperture in the support (or mounting) portion, as taught by Stiicheli, for the purpose of providing a means for locking the top into a closed position.

Claims 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruiz. Ruiz discloses the method of securing an article to a supporting surface by inserting the article into the space between the mounts, which are attached to a supporting surface. The upstanding bases have angled recesses and the article is inserted between the mounts, rotating the top cap on each mount from an open position to a closed position over the article, to capture the article between the top cap and the supporting surface to prevent vertical movement of the article away from the supporting surface. To remove the article the top cap is rotated from the closed position to an open position to clear the angled portion and allow lifting of the article. A spring is compressed when pivoting the top cap to allow the cap to rotate to the open position to allow the article to be lifted out for quick removal. Ruiz discloses the use of three mounts, rather than four, but discloses that a plurality can be used. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized four mounts, rather than three, as a matter of design preference, dependent on the shape of the object to be supported.

Claims 12, 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterka. Peterka discloses a method of releasably securing an article to a supporting surface comprising the steps of inserting the article into a space between four mounts; rotating a top cap on each of the mounts; moving the surfaces of the base into contact with the object by moving the inwardly divergent surfaces against

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the object, whereby a screw is tightened in the base (7). Peterka discloses the use of three mounts, rather than four, but discloses that a plurality can be used. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized four mounts, rather than three, as a matter of design preference, dependent on the shape of the object to be supported.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterka, in view of U.S. Patent 5,438,868 to Holden et al. Peterka does not disclose polyurethane on the inward surfaces to improve the grip on the article. Holden et al. discloses an inwardly facing recess with polyurethane grips (248) on opposing arms for gripping an article. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided polyurethane grips on the surfaces taught by Peterka, as taught by Holden et al., for the purpose of improving the grip of the surfaces on the article.

Response to Arguments

Applicant's arguments filed December 27, 2004 have been fully considered but they are not persuasive. In response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., limitations to the object) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In response to Applicant's argument that

only one face of Ruiz is orthogonal to the top surface, it is pointed out that there are two surfaces that engage the object shown and there are three other sides to the base

2. Only two sides are shown engaging the particular object, but the other surfaces could engage an object of a different configuration (the object is not claimed). In response to Applicant's argument that Ruiz does not teach a way to tighten the spring, it is pointed out that the spring is tightened by pressure from an object inserted into the recess.

In response to applicant's argument that Stiicheli is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Stiicheli provides a teaching of a detent for locking two parts together, which would be used on Ruiz to prevent the top from being accidentally dislodged. In response to Applicant's argument that the structure of claims 12 and 14 is not disclosed by Ruiz, it is pointed out that Applicant is claiming a method for securing an article and the limitations to the structure have no patentable significance.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

SM

Steven Marsh

March 20, 2005



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER